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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,847	04/20/1999	HY MURVEIT	NUAN-00700	6533
28960 7590 09/07/2004 HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER OPSASNICK, MICHAEL N	
			ART UNIT 2655	PAPER NUMBER 13

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/294,847

**Applicant(s)**

MURVEIT ET AL.

**Examiner**

Michael N. Opsasnick

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on received on 2/2/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 6, 16, 19, 22-26, 28, 41, 44, 47-51, 53, 54, 56 and 57 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52 and 55 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12, 17, 18, 20, 27, 32-34, 37-39, 45 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 13-15, 21, 29-31, 35, 36, 40, 42, 43, 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 52 and 55 are allowable over the prior art of record.
2. Claims 10,11,13-15,21,29-31,35,36,40,42, and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedin et al (6185535).

As per claims 58-60, Hedin et al (6185535) teaches:

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“a speech recognition system.....speech input” as receiving input speech (col. 5 lines 4-6)

“processing means.....first pass results” as first pass performed by ASR (col. 5 lines 27-30, referring back to ASR, col. 4 line 5 – col. 5 line 1);

“wherein the processing means.....first pass results” as switching to a more powerful ASR (col. 5 lines 1-5, when the first pass does not perform, col. 5 lines 17-22)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5,7-9,12,17,18,20,27,32-34,37-39,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin et al (6185535) in view of Gillick et al (5526463).

As per claims 1,27, Hedin et al (6185535) teaches:

“a speech recognition system.....speech input” as receiving input speech (col. 5 lines 4-6)

“processing means.....first pass results” as first pass performed by ASR (col. 5 lines 27-30, referring back to ASR, col. 4 line 5 – col. 5 line 1);

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“wherein the processing means.....first pass results” as switching to a more powerful ASR (col. 5 lines 1-5, when the first pass does not perform, col. 5 lines 17-22)

As per claims 1, 27, Hedin et al (6185535) does not explicitly teach limiting the first pass recognition to a subset of matches, however, Gillick et al (5526463) teaches performing a preliminary matching (as a rapid match) before performing a regular match (as in phase III; col. 7 line 54 – col. 8 line 10). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to limit the initial results of the Hedin et al search to a shortened list of possible candidates before going to the more powerful speech recognition system because it would advantageously reduce the amount of computation time needed to eventually find the correct match (Gillick et al (5526463), col. 8, lines 5-11).

As per claims 2,9,32,34 Hedin et al (6185535) teaches:

“wherein the first pass results.....corresponding score” as feature matching and decision determines a recognized result (fig. 3, subblock 311);

As per claim 3,33, Hedin et al (6185535) teaches a decision unit deciding if the RAP as performed recognition ,or if needs to go to the server containing a more powerful speech recognition process (col. 9 lines 20-35; since there is a presence of a decision making process, it is inherent that a certain threshold requirement has to be met to decide that a recognition result has been achieved).

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As per claim 4, Hedin et al (6185535) teaches passing along a partial translation to the secondary decision making process -- TAP (col. 9 lines 35-47);

As per claim 5, Hedin et al (6185535) teaches the showing of alternative speech expressions (col. 7 lines 40-65)

As per claims 7,8,37 and 38, Hedin et al (6185535) teaches that the results can either be omitted or selected based upon the final recognition results (col. 11 lines 15-40)

As per claims 12,39, Hedin et al (6185535) teaches spoken input identified as recognizing a 'call' command (col. 9 lines 35-45)

As per claim 17, Hedin et al (6185535) teaches the speech input to be a part of the WAP, (wireless application),(col. 1 lines 20-22, col. 4 lines 1-5)

As per claim 18, Hedin et al (6185535) teaches wireless or wireline application (col. 1 lines 20-30), col. 4 lines 55-65)

As per claims 20,45, Hedin et al (6185535) teaches:

“the first pass speech recognition technique.....speech recognition techniques” as choosing the bigger ASR over the smaller ASR (col. 5 lines 1-15).

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*Response to Arguments*

7. Applicant's arguments with respect to claims 1 and 27 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments pertaining to claims 58-60 have been fully considered but they are not persuasive. As per the arguments that claims 58-60 contain language pertaining to the selection of a speech recognition pass based on previous results, examiner argues that Hedin et al teaches such limitations, in the fact that the first pass speech recognition, when failed, offers the user to input the word in a different manner, such as repeating the word, spelling the word, or typing the word (col. 8 lines 20-30), which would require a particular means of recognition (either utterance recognition, spelling recognition, or text recognition). In other words, the type of recognition is dictated by the type of input from the user after an initial recognition.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**9. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

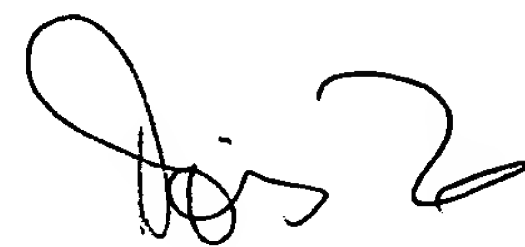
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

8/29/2004



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